THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14228 OF 2006

DATED:13-07-2006

BETWEEN

N.V.S.Rama Krishna Raju and others.

… Petitioners

and

The District Registrar, Visakhapatnam, Visakhapatnam District and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14228 OF 2006

ORDER:

The petitioners filed the instant writ petition seeking a Writ of Mandamus to declare the notification issued by the Government vide G.O.Ms.No.583, dated 04.05.2005, under Section 22-A of the Registration Act, 1908 as amended by Registration (A.P.Amendment) Act, 1999, as unconstitutional and ultra vires. The petitioners also seek a consequential direction to respondents to register and release the documents presented by them in respect of land admeasuring Acs.3.22 cents in survey No.223/2 (old survey No.87) situated at Madhuravada village, Visakhapatnam Rural Mandal, Visakhapatnam District.

In **State of Rajasthan v Basant Nahata**[1], the Supreme Court struck down the provision in Registration Act as amended by the State of Rajasthan as *ultra vires.* Following the same, a Division Bench of this Court in its Judgment, dated 07.12.2005 in W.P.No.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. Therefore, the impugned notification cannot be sustained. Further, in subsequent Judgment in W.P.No.17325 of 2005 and batch, dated 20.02.2006, a Division Bench of this Court while invalidating similar notification observed as under.

> As a sequel to the above, G.O.Ms.No.810, dated 14.10.2004, is also quashed. However, it is made clear that registration of the documents of the petitioners would remain subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

Following the same, this writ petition is allowed observing that any registration of the documents presented by the petitioners would be subject to the adjudication by the Supreme Court, and if, ultimately the Supreme Court allows the Appeal filed by the Government of Andhra Pradesh, the registration of the documents would stand automatically nullified.

The writ petition, subject to the above observations, is accordingly allowed.

No costs.

(V.V.S.RAO,J)

13.07.2006
pln

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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456